

PATENT COOPERATION TREATY

2005 -10- 24

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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Valea AB
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SUEDE

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing
(day/month/year)

21.10.2005

Applicant's or agent's file reference

PD53589PC~~00~~

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/010011

International filing date (day/month/year)
08.09.2004

Priority date (day/month/year)
11.09.2003

Applicant

SONY ERICSSON MOBILE COMMUNICATIONS AB et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/I/B/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PD53589PC	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/010011	International filing date (<i>day/month/year</i>) 08.09.2004	Priority date (<i>day/month/year</i>) 11.09.2003	
International Patent Classification (IPC) or national classification and IPC H04Q7/22, H04M3/56, H04N7/15, H04L12/18, H04L29/06			
Applicant SONY ERICSSON MOBILE COMMUNICATIONS AB et al.			
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 6 sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 5 sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).			
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application			
Date of submission of the demand 08.02.2005	Date of completion of this report 21.10.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Grimaldo, M Telephone No. +49 89 2399-7513		



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

Box No. I Basis of the report

- With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
 - With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-26 received on 10.02.2005 with letter of 08.02.2005

Drawings, Sheets

1/3-3/3 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:

 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/010011

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-26
	No: Claims	
Inventive step (IS)	Yes: Claims	1-26
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Cited documents

The following documents (D) are cited; the numbering will be adhered to throughout the procedure:

- D1: WO 03 010986 A
D3: US-B1-6 330 022

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

- 1.1 Independent claim 1 discloses a method for party positioning during voice communication between several portable communication devices.
- 1.2 Document D1, considered the closest prior art, discloses a method for transmitting customized visual/graphical data information from a mobile terminal to a number of other mobile or non-mobile terminals. The customized visual/graphical data information, e.g. avatars, of an end user can be changed by the end user during an on-going speech connection. The end user of the telecommunication terminal during a conference or multiparty call can select different attitude modes which are sent to the other parties involved in the communication.
- 1.3 A problem which arises at times during a conference or multiparty call is that a user has difficulty to recognize which party is speaking when a multiple of parties are participating. The problem is thus to identify who is saying what during such a conference or multiparty call.
- 1.4 The method of claim 1 solves this problem by allowing the user of a portable device to select the position of the other parties in the conference or multiparty call and positioning each connected parties at different positions in space to easily identifying them.
- 1.5 The user of a portable communication device can thus easily identifying which party

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(SEPARATE SHEET)**

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is active, i.e. which party is speaking ("providing audio information") since the position of the parties is chosen by himself on his volition.

- 1.6 Document D1 does not discloses or provide any hints to allow a user of a portable device to select the position of the other parties in the conference or multiparty call ("..selection of position of one of the other parties through inputs made by user of the portable communication device" as recited in claims 1 and 14) and positioning each connected parties at different positions in space to easily identifying them ("positioning the other connected parties at different positions in space in relation to the portable communication device" as recited in claims 1 and 14).
- 1.7 In view of these considerations, it seems that the subject-matter of claim 1 is novel and inventive (Article 33(1)-(3) PCT) over the closest prior art D1.
2. Independent claim 14 although phrased as an apparatus (portable communication device) claim is nevertheless a repetition of the subject-matter of method claim 1 and hence also meet the requirements of novelty and inventive step (Article 33(1)-(3) PCT).
4. Claims 2-13 and 15-24 are dependent on claim 1 and 14 and as such also meet the requirements of the PCT with respect to novelty and inventive step (Article 33(1)-(3) PCT).
5. Independent claims 25 and 26 (communication connection device and communication system) disclose a subject-matter similar to claim 1 with the additional feature of an audio information presented such that it is perceived as being positioned at the position in space of another party. This feature is already known from "the audio signal generated according to the assigned positions of the conferees that can be heard in stereo speaking in such a way as to relate to the assigned position" (abstract of D3). However the difference mentioned in paragraph 1.6 is also contained in claims 25 and 26 and thus the claims meet the requirements of the PCT with respect to novelty and inventive step (Article 33(1)-(3) PCT).

Certain defects in the international application

6. To meet the requirements of Rule 6.3(b) PCT, the independent claims should be properly cast in the two-part form, with those features which in combination are part of the prior art (see respectively document D1), being placed in the preamble.
7. To meet the requirements of Rule 5.1(a)(ii) PCT, document D1 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
8. Bracketed expressions that do not include reference signs (Rule 6.2(b) PCT) arise lack of clarity to the formulation of the claims and should thus be avoided: as a consequence the word "step" in the reference should preferably be avoided.

Certain observations on the international application

9. The various definitions of the invention given in the three independent apparatus claims 14, 25 and 26 are such that the claims as whole are not clear and concise, contrary to Article 6 PCT. The claims should be recast to include only the **minimum necessary number of independent claims** in any one category, with dependent claims as appropriate, Rule 6.4 PCT.
In the present case it is considered appropriate to use a single independent apparatus claim followed by dependent claims covering features which are merely optional.
10. Claim 5 is unclear since the reference to "visual space" cannot be retrieved in the dependent claim 4 depending directly on claim 1 (Article 6 PCT).
11. The use of inverted commas should preferably be avoided since they introduce an ambiguity on the feature contained (Article 6 PCT). The expression "drag and drop" in claim 24 should be replaced by drag-and-drop.